

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

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| IN THE MATTER OF THE APPLICATION OF |) | |
| ATLANTIC SALMON OF MAINE LLC FOR |) | |
| RENEWAL OF AN AQUACULTURE LEASE |) | FINDINGS OF FACT, |
| LOCATED NORTHWEST OF STONE ISLAND, |) | CONCLUSIONS OF LAW |
| MACHIASPORT, WASHINGTON COUNTY, MAINE |) | AND DECISION |

On March 27, 2006, Atlantic Salmon of Maine, LLC applied for the renewal of an aquaculture lease issued on December 4, 1996. The applicant requested a ten-year renewal, to December 3, 2016, of a 10-acre net pen culture lease located northwest of Stone Island in Machias Bay, Machiasport, Washington County, Maine.

Notice of the application for lease renewal was published in the May, 2006 issue of Commercial Fisheries News and the April 26, 2006 and May 10, 2006 issues of the Machais Valley News Observer. Members of the public, riparians and interested persons were given to May 26, 2006 to submit comments or to request a hearing on the application for lease renewal. No comments or requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease shall be renewed if the lessee has complied with the lease agreement during its term; the Commissioner determines that renewal of the lease is in the best interest of the state; the renewal will not cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 500 acres; and the lease is not being held for speculative purposes.

The applicant has complied with the lease agreement during its term. In determining whether it is in the best interest of state to renew the lease, the Department takes into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public interest. There are no known conflicts with other new or existing uses

of the area. Additionally, the renewal of this lease will not cause the applicant to lease more than 500 acres.

In determining whether the lease is being held for speculative purposes, the Department looks to whether substantially no aquaculture or research has been conducted on the lease site. The applicant has conducted aquaculture on the lease site during its term. Therefore, I find that the lease is not being held for speculative purposes.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the lease site has been consolidated into one tract and the following lease description shall replace the description set forth in the original lease document:

STARTING at the point Latitude 44°36'09.30"N, Longitude 67°22'18.80"W (datum NAD83/WGS84), and point of beginning; thence 135.58° True, a distance of 496.23 feet to the eastern corner (44°36'05.80"N, 67°22'14.00"W); thence 222.77° True, a distance of 876.63 feet to the southern corner (44°35'59.45"N, 67°22'22.23"W); thence 315.80° True, a distance of 508.54 feet to the western corner (44°36'03.05"N, 67°22'27.13"W); thence 43.57° True, a distance of 874.19 feet to the northern corner and point of beginning. This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

Decision

The Commissioner of Marine Resources grants the application of Atlantic Salmon of Maine, LLC for renewal of the 10-acre aquaculture lease located northwest of Stone Island, Machiasport, Maine, for a period of ten years, to December 3, 2016. In the renewal of this lease, Atlantic Salmon of Maine is subject to the same terms, conditions, and obligations as set forth in the original lease.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources